

CITY OF BEDFORD, OHIO

ORDINANCE NO. 10,045-22

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PID NO. 110609
CTY-RTE-SEC CUY SR 01410.05
LPA Agreement No. 37405

THE FOLLOWING IS AN ORDINANCE ENACTED BY THE CITY OF BEDFORD, CUYAHOGA COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE STATED DESCRIBED PROJECT.

SECTION I - Project Description

WHEREAS, the STATE has identified the need for the described project:

Rehabilitation of Broadway Avenue (SR-14) from the West Corporation Line to just east of Forbes Road in the City of Bedford.

NOW THEREFORE, be it Ordained by the Council of the City of Bedford, Ohio.

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The LPA agrees to participate in the cost of the project. The LPA agrees to assume and contribute the entire cost and expense of the improvement less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, United States Department of Transportation. The LPA agrees to assume and bear one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation.

ODOT financial participation for construction will be limited to 85% of the cost of a face-to-face of curb surface treatment using Urban Paving Funds with the funding limit set by the applicable Program Manager. Note that the parking lanes between Columbus Street and North Park Street are not eligible for funding from the Program. The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

The LPA further agrees to pay 100% of the cost to upgrade and/or install and/or repair curb ramps within the project limits to ensure compliance with the Americans with Disabilities Act.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant

involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

SECTION IV - Authority to Sign

The LPA hereby authorizes the City Manager of said City to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the about-described project, and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the City Manager is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Bedford to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION V - Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal Regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION VI - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VII

This ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

WHEREFORE, this Ordinance shall take effect and be in force from and after the earliest date permitted by law.

Passed: December 19, 2022

Attest: _____
Clerk of Council

Mayor-President of Council

Attest: _____
Law Director

City Manager

**CERTIFICATE OF COPY
STATE OF OHIO**

City of Bedford of **Cuyahoga** County, Ohio
(LPA)

I, Tracy M. Simons, as Clerk of the **City of Bedford** of **Cuyahoga** County, Ohio, do hereby certify that the foregoing is a true and correct copy of the **Ordinance** adopted by the Legislative Authority of the said **City of Bedford** on the 19th day of December 2022.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 20th day of December 2022.

SEAL

Tracy M. Simons, Clerk of Council
City of Bedford of Cuyahoga County, Ohio (LPA)

(If the LPA is designated as a City then the “City Seal” is required. If no Seal, then a letter stating “No Seal is required to accompany the executed legislation.)

For the City of Bedford, Ohio

Attest: _____, Date _____
CITY MANAGER

For the State of Ohio

Attest: _____, Date _____
DIRECTOR, OHIO DEPARTMENT OF
TRANSPORTATION